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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,328

10/18/2005

Karsten Braeuer

4875/PCT

9785

21553 7590 10/09/2007
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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,328

Applicant(s)

BRAEUER ET AL.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-21 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 13-21 are pending.
2. This application is in condition for allowance except for the following formal matters:
 - A. The abstract is not written in a single paragraph and also "Fig. 2" on last line of the abstract should be deleted. Correction is required. See MPEP § 608.01(b).
 - B. Claims 13, 14, 16, and 19-21 are objected to because of the following informalities:

Claim 13, line 9 "the designated driving off direction" should be --a designated driving off direction--,

Claim 13, line 16 "the brake pedal position" should be --a brake pedal position--,

Claim 13, line 21 "the derivative" should be --a derivative--,

Claim 13, lines 21-22 "the engine torque" should be --an engine torque--,

Claim 13, line 24 "the derivative" should be --a derivative--,

Claim 13, lines 24-25 "the engine speed" should be --an engine speed--,

Claim 14, lines 4-5 "the polynomial moving average method" should be --a polynomial moving average method--,

Claim 16, line 2 "the expiry of the delay period" should be --an expiry of the delay period--,

Claim 16, lines 2-3 "the maintaining brake pressure" should be --a maintaining brake pressure--,

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Claim 19, line 3 "the gear speed" should be --a gear speed--,

Claim 20, line 5 "the vehicle speed" should be --a vehicle speed--,

Claim 20, line 6 "the incline of the road" should be --an incline of the road--,

Claim 20, lines 8-9 "the designated driving off direction" should be --a designated driving off direction--,

Claim 20, line 14 "the stationary state" should be --a stationary state--,

Claim 20, line 22 "the brake pedal position" should be --a brake pedal position--,

Claim 20, line 27 "the derivative" should be --a derivative--,

Claim 20, lines 27-28 "the engine torque" should be --an engine torque--,

Claim 20, line 30 "the derivative" should be --a derivative--,

Claim 20, lines 30-31 "the engine speed" should be --an engine speed--,

Claim 21, line 2 "the gear speed" should be --a gear speed--.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

3. Claims 13-21 are allowed since prior arts do not disclose and/or teach a method and a device for carrying out the method wherein the driving off request of the driver is detected by virtue of the fact that a derivative (\dot{M}) of an engine torque (M) over time is greater than or equal to a predefinable threshold value (\dot{M}_0) for the change in the engine torque and simultaneously a derivative (\dot{N}) of an engine speed (N) over time is less than

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or equal to a predefinable negative threshold value ($-\dot{N}_0$) for the change in the engine speed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

September 24, 2007


ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER